

## **REGULAR MEETING**

**June 14,1993**

The Regular Meeting of the Annapolis City Council was held on Monday, June 14, 1993 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:31 p.m. Alderman Moyer offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Johnson, Gilmer, Gray, Snowden, Moyer

Alderman Hammond arrived at 7:34 p.m.; Alderman Turner arrived at 8:11 p.m. and Alderman DeGraff arrived at 8:20 p.m.

Staff present: City Attorney Hodgson, Planning and Zoning Director Fogarty, Public Works Director Patmore, Transportation Director Chase, Finance Director Tyler

Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-509(c)(2), this statement is included in these minutes:

A closed session of the City Council was held at 4:11 p.m., Wednesday, June 9, 1993, in the City Council Chamber.

Members Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Gray, Snowden, Turner, DeGraff, Moyer, City Attorney Hodgson, Personnel Director Engelke, Transportation Director Chase, Deputy Transportation Director Frese, Deputy Public Works Director Smith, Police Captain Gittings, Deputy Fire Chief Smith, City Administrator Mallinoff, Job Classification Consultant James Yarger, Union Negotiator Leonard Cohen and City Clerk Bembe.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a)(9). The purpose of the meeting was to discuss the conduction of collective bargaining negotiations and consideration of matters that relate to the negotiations. The session was closed by unanimous consent. No action was taken.

Alderman Gilmer moved to approve the Minutes of 5/10/93, 5/17/93 and 5/24/93. Seconded. CARRIED on voice vote.

### **PUBLIC HEARING**

(Continued from June 7, 1993)

Proposed operating budget for fiscal year ending June 30, 1994 and constant yield tax rate for fiscal year 94.

The following individuals spoke on the proposed budget:

1. Louise Beauregard  
2 Maryland Avenue  
Annapolis, Md. 21401
2. Sylvanus Jones  
16 Bausum Drive  
Annapolis, Md. 21401
3. Trudi McGowan  
1204C Gemini Drive  
Annapolis, Md. 21403

Mayor Hopkins declared the public hearing closed.

**PETITIONS, REPORTS AND COMMUNICATIONS**

1. Louise Beauregard  
2 Maryland Avenue  
Annapolis, Md. 21401  
Spoke regarding food shelters and shock trauma issues;
2. Arthur Kungle, Jr.  
No address given.  
Spoke regarding MTA issues.

**LEGISLATIVE ACTION**

1. **O-9-93** Sponsored by Mayor Hopkins, Aldermen Gilmer, Gray, Snowden, DeGraff, Moyer

For the purpose of amending the PM2 Professional Mixed Office Park District; and all matters relating to said District.

Alderman Snowden moved to adopt O-9-93 on second reading. Seconded.

Alderman Hammond moved to amend O-9-93 as follows:

**Amendment No. 1**

On Page 2, strike lines 10 through 15 in their entirety and substitute the following:

THE PURPOSE OF THE PM2 ZONE IS TO ENCOURAGE NEIGHBORHOOD COMMERCIAL AND/OR TRANSITIONAL OFFICE USES. THESE USES MAY BE ESTABLISHED UNDER PARAMETERS DESIGNED TO MAINTAIN A LOW INTENSITY AND IMPACT ON SURROUNDING PROPERTIES. IT IS ALSO THE PURPOSE OF THIS CHAPTER TO CAUSE SITES TO DEVELOP IN A WELL-DESIGNED, LANDSCAPED AND EFFICIENT MANNER.

Seconded. CARRIED on voice vote.

Alderman Hammond moved to amend O-9-93 as follows:

**Amendment No. 2**

On Page 5, line 32 add the following:

H. ANY COMMERCIAL DEVELOPMENT SHALL BE APPROVED PURSUANT TO THE PROVISIONS OF CHAPTER 21.98, SITE DESIGN PLAN REVIEW.

I. HOURS OF OPERATION, INCLUDING DELIVERY, SHALL BE LIMITED BASED UPON PROXIMITY OF THE DEVELOPMENT TO RESIDENTIAL LAND USES AND IF COMMERCIAL VEHICLES REQUIRE THE USE OF PRIMARILY RESIDENTIAL ROADWAYS TO ACCESS THE COMMERCIAL DEVELOPMENT.

Seconded.

Alderman Snowden moved to amend Amendment No. 2 by substituting the following:

On Page 5, line 32 add the following:

H. ANY COMMERCIAL DEVELOPMENT SHALL BE APPROVED PURSUANT TO THE PROVISIONS OF CHAPTER 21.98, SITE DESIGN PLAN REVIEW.

I. HOURS OF DELIVERY SHALL BE LIMITED TO THE EXTENT FEASIBLE, BASED UPON PROXIMITY OF THE DEVELOPMENT TO RESIDENTIAL LAND USES AND IF COMMERCIAL VEHICLES REQUIRE THE USE OF PRIMARILY RESIDENTIAL ROADWAYS TO ACCESS THE COMMERCIAL DEVELOPMENT.

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

Alderman Hammond moved to amend O-9-93 as follows:

**Amendment No. 3**

On Page 5, strike lines 38 through 45 in their entirety and substitute the following:

A. FOR INCIDENTAL USES TO THE PERMITTED USES SET FORTH IN SECTION 21.59.020B, THERE IS NO ADDITIONAL LOT AREA REQUIREMENT BEYOND THE MINIMUM LOT AREA REQUIREMENT OF THE PRINCIPAL USE.

B. MINIMUM LOT SIZE FOR NEIGHBORHOOD COMMERCIAL USES SHALL BE THREE ACRES, EXCEPT THAT SEPARATE PARCELS CREATED AND APPROVED WITHIN A LARGER OFFICE OR COMMERCIAL DEVELOPMENT MAY BE A MINIMUM OF TEN THOUSAND SQUARE FEET.

Seconded. CARRIED on voice vote.

Alderman Hammond moved to amend O-9-93 as follows:

**Amendment No. 4**

On Page 6, line 36, add the following:

D. ADDITIONAL TRANSITIONAL YARD REQUIREMENTS FOR COMMERCIAL USES LISTED IN SECTION 21.59.030A.3.C:

1. BUILDINGS SHALL HAVE A MINIMUM SEPARATION FROM ANY RESIDENTIAL STRUCTURES OF SIXTY FEET PLUS AN ADDITIONAL TWO FEET FOR EVERY ONE FOOT OF BUILDING HEIGHT IN EXCESS OF TWENTY FEET.

2. PARKING AREAS SHALL HAVE A MINIMUM TWENTY-FOUR FOOT BUFFER FROM ADJACENT RESIDENTIAL PROPERTIES.

3. THESE ARE MINIMUM REQUIREMENTS AND MAY BE INCREASED IF IT IS FOUND BY THE PLANNING AND ZONING DEPARTMENT THAT THE BULK OR USE WARRANTS GREATER BUFFERING FROM ADJOINING USES.

\_\_\_\_ Seconded.

Alderman Snowden moved to amend Amendment No. 4, Section D(1) as follows:

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1. BUILDINGS SHALL HAVE A MINIMUM SEPARATION FROM ANY RESIDENTIAL STRUCTURES OF SIXTY FEET PLUS AN ADDITIONAL TWO FEET FOR EVERY ONE FOOT OF BUILDING HEIGHT IN EXCESS OF TWENTY-FOUR FEET.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Gilmer, Snowden, DeGraff, Moyer  
NAYS: Aldermen Hammond, Gray, Turner  
CARRIED: 6-3

Alderman Snowden moved to amend Amendment No. 4 as follows:

Strike Section D(3) in its entirety.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Alderman Snowden  
NAYS: Aldermen Hammond, Johnson, Gilmer, Gray, Turner, DeGraff, Moyer  
DEFEATED: 7-2

The main motion, as amended, CARRIED on voice vote

Alderman Hammond moved to amend O-9-93 as follows:

**Amendment No. 5**

(A) On Page 7, line 32, strike "TWO" and substitute "ONE"; on that same page, line 33, strike "FOUR" and substitute "TWO".

(B) On Page 7, line 37, strike "FIVE" and substitute "FIFTEEN".

(C) On Page 7, strike lines 40 through 42 in their entirety.

(D) On Page 7, line 45, immediately following "PERMITTED", insert "EXCEPT FOR ANCHOR TENANTS AS SET FORTH BELOW".

(E) On Page 8, line 1, immediately following "EXCEED", insert "THE LESSER OF".

(F) On Page 8, line 3, immediately following "TENANT", add the following:

OR FORTY SQUARE FEET; EXCEPT FOR ANCHOR TENANTS, THE ANCHOR TENANT'S STORE IDENTIFICATION SIGN SHALL NOT EXCEED IN AREA OF TOTAL OF 0.5 TIMES THE LINEAL FOOTAGE OF THE ENTRANCE FACADE OF THE ANCHOR TENANT. ANCHOR TENANT'S INDIVIDUAL DEPARTMENTS OR TYPES OF GOODS FOR SALE EACH MAY ALSO BE IDENTIFIED, BUT SHALL NOT EXCEED IN AREA A TOTAL OF 0.5 TIMES THE LINEAL FOOTAGE OF THE ENTRANCE FACADE OF THE ANCHOR TENANT.

(G) On Page 8, line 5, strike "OR LETTERS"; on that same page, line 6, strike "FORTY-EIGHT" and substitute "EIGHTEEN"; on that same page, line 6, immediately following "INCHES", add "EXCEPT"; on that same page, line 8, strike "OR TWENTY-FOUR INCHES FOR NON-ANCHOR TENANTS" and substitute the following:

THE MAXIMUM HEIGHT OF THE SIGN BOARD FOR THE ANCHOR TENANT'S STORE IDENTIFICATION SIGN SHALL NOT EXCEED THIRTY SIX INCHES".

(H) On Page 8, line 10, add the following:

C. THE MAXIMUM HEIGHT OF LETTERING SHALL NOT EXCEED FOURTEEN INCHES; EXCEPT FOR ANCHOR TENANT'S STORE IDENTIFICATION SIGN, THE MAXIMUM HEIGHT OF LETTER SHALL NOT EXCEED THIRTY SIX INCHES.

(I) On Page 8, line 11, strike "C" and substitute "D"; on that same page, line 13, immediately following "FACADES" strike "OR A FREESTANDING TENANT SPACE,".

Seconded. CARRIED on voice vote.

Alderman Hammond moved to amend O-9-93 as follows:

**Amendment No. 6**

On Page 5, line 46, add the following:

C. FOR NEIGHBORHOOD CONVENIENCE SHOPPING USES, A TRAFFIC IMPACT FEE SHALL BE ASSESSED COMPARABLE TO THE ANNE ARUNDEL COUNTY OFFICE IMPACT FEE.

Reletter subsequent sections accordingly.

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Turner  
NAYS: Mayor Hopkins, Aldermen Gilmer, Gray, Snowden, DeGraff, Moyer  
DEFEATED: 6-3

Alderman Snowden moved to adopt O-9-93 Amended on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Gilmer, Gray, Snowden, Turner, DeGraff, Moyer  
NAYS: Aldermen Hammond, Johnson  
CARRIED: 7-2

Alderman Snowden moved to adopt O-9-93 Amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Gilmer, Gray, Snowden, Turner, DeGraff, Moyer  
NAYS: Aldermen Hammond, Johnson  
CARRIED: 7-2

2. **O-10-93** Sponsored by Alderman Hammond

For the purpose of clarifying the authority of the Director of Transportation to revoke or suspend owner's taxi cab permits and driver's taxi cab licenses upon certain violations and in certain circumstances; providing for a due process hearing prior to any revocation or suspension of permits and licenses; and all matters relating to said permits and licenses.

The Rules and Public Safety Committees reported favorably with amendments on O-10-93.

Alderman Snowden moved to adopt O-10-93 on second reading. Seconded.

Alderman Snowden moved to amend O-10-93 as follows:

**Amendment No. 1**

On Page 3, line 8, immediately following "CODE" add "AS DETERMINED BY THE DIRECTOR OF PLANNING AND ZONING."

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-10-93 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Johnson moved to adopt O-10-93 Amended on third reading. Seconded. CARRIED on voice vote.

Alderman Gilmer requested that the record reflect his opposition to O-10-93 Amended.

3.     **O-25-93**             Sponsored by Aldermen Hammond, Snowden, DeGraff, Gray

For the purpose of clarifying the authority of the Department Directors and Boards to revoke or suspend permits and licenses upon certain violations and in certain circumstances; providing for a due process hearing prior to any revocation or suspension of permits and licenses; and all matters relating to said permits and licenses.

Alderman DeGraff moved to adopt O-25-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Alcoholic Beverage Control Board.

4.     **O-30-93**             Sponsored by Alderman DeGraff

For the purpose of adding beer to the wine tasting alcoholic beverage license; defining said license; establishing fee; and all matters relating to said license.

Alderman DeGraff moved to adopt O-30-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and Finance Committees and the Alcoholic Beverage Control Board.

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**SPECIAL ORDER OF BUSINESS - FY 94 OPERATING BUDGET**

1.     **O-28-93**             For the purpose of adopting a current expense budget for the City of Annapolis for the fiscal year 1993-1994, beginning July 1, 1993 and ending June 30, 1994; to appropriate funds for expenditures for the fiscal year beginning July 1, 1993 and ending June 30, 1994; and all matters generally relating thereto.

Alderman Snowden moved to adopt O-28-93 on first reading. Seconded. CARRIED on voice vote.

2.     **O-29-93**             For the purpose of levying and imposing a property tax rate for the Fiscal Year beginning July 1, 1993 and ending on June 30, 1994, for the purpose of defraying all expenses and liabilities of the City of Annapolis and levying same for the purposes specified; providing for repayment of bonds and other indebtedness; specifying certain duties of the Director of Finance, specifying a rate of interest to be charged upon overdue property taxes; and all matters related thereto.

Alderman Snowden moved to adopt O-29-93 on first reading. Seconded. CARRIED on voice vote.

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**BUSINESS AND MISCELLANEOUS**

1. **R-27-93** For the purpose of authorizing the Mayor to reduce parking rates under certain circumstances; and all matters related to said reduction of rates.

Alderman Snowden moved to adopt R-27-93. Seconded.

Alderman Johnson moved to amend R-27-93 as follows:

Amendment No. 1:

On page 1, strike lines 36 and 37.

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

2. **R-28-93** For the purpose of requesting Anne Arundel County to install median strips along Forest Drive between Chinquapin Round Road and Gemini Drive; and all matters related to said Forest Drive.

Alderman Moyer moved to adopt R-28-93. Seconded. CARRIED on voice vote.

3. **R-29-93** For the purpose of petitioning the Board of Supervisors of Election to designate Cecil Memorial Church, located at 15 Parole Street in the City of Annapolis, as the polling place for Precinct 6-3 in the municipal elections to be held in 1993; and all matters related to said polling place.

Alderman Gilmer moved to adopt R-29-93. Seconded. CARRIED on voice vote.

4. Renewal of towing licenses:
  - a. Lowry's Towing
  - b. Mason's Towing
  - c. Darden Towing

Alderman DeGraff moved to approve the towing license renewals of Lowry's Towing, Mason's Towing and Darden Towing. Seconded. CARRIED on voice vote.

5. Risk Management Committee Minutes of 5/19/93

Alderman Snowden moved to approve the Risk Management Committee Minutes of 5/19/93. Seconded. CARRIED on voice vote.

6. Rules Committee Minutes of 5/17/93

Alderman Snowden moved to approve the Rules Committee Minutes of 5/17/93. Seconded. CARRIED on voice vote.

7. Housing and Community Development Committee Minutes of 5/26/93

Alderman DeGraff moved to approve the Housing and Community Development Committee Minutes of 5/26/93. Seconded. CARRIED on voice vote.

8. Finance Committee Minutes of 5/11/93, 5/12/93, 5/13/93, 5/18/93, 6/3/93

Alderman Hammond moved to approve the Finance Committee Minutes of 5/11/93, 5/12/93, 5/13/93, 5/18/93, 6/3/93. Seconded. CARRIED on voice vote.

9. Payment of monthly bills

Alderman Hammond moved to pay the monthly bills. Seconded. CARRIED on voice vote.

10. Maryland Municipal League report

Alderman Moyer gave a brief report.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:20 p.m.

Patricia L. Bembe, CMC/AAE

City Clerk